IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 15280 of 2004

Between:

K. Laxmiah S/o bala Kotaiah
r/o Pudipatla (PO) chandragiri (M), (Via) Tiruapti Chittoor District

..... PETITIONER

AND

Acharya N.G. Ranga Agriculrural University,

rep by Registrar, Rajendranagar, RR District.,
Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus directing the respondent to release all the benefits due the petitioner on his retirement and pay the entire amount of Gratuity due and payable to him which cannot be with held under the provisions of payment of Gratuity Act, 1972

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondent: MR.B.SIVA REDDY SC FOR A.N.G.R.A.U

The Court made the following:

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ORDER:

The petitioner is a retired employee of the respondent University. The petitioner retired on 31.07.2004, and he was relieved from duties on the Afternoon of 31.07.2004, pending finalisation of the disciplinary proceedings against him. The petitioner is seeking a direction to the respondents to release all the benefits due to him on his retirement and pay the entire amount of gratuity due and payable to him, which cannot be withheld under the provisions of Payment of Gratuity Act, 1972.

The petitioner represents that the disciplinary proceedings are pending since 11.01.2002. Since the disciplinary proceedings are pending against the petitioner, he is not entitled to get all the retirement benefits irrespective of the pendency of the disciplinary proceedings against him. The gratuity amount due to the petitioner cannot be withheld under Section 9 of the Payment of Gratuity Act, 1972.

Therefore, the respondent is directed to release the gratuity amount due to the petitioner, within two months from the date of receipt of a copy of this order. The respondent is further directed to get the disciplinary proceedings expedited, but under any circumstances not later than six months.

The Writ Petition is, accordingly, allowed in part.

dsr/rns

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday, Twenty Sixth day of August, Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Registrar,

Acharya N.G.Ranga Agricultural University,

Rajendranagar, R.R.District,

Hyderabad

2. Two CD copies